



TOWN OF WARREN
COMMONWEALTH OF MASSACHUSETTS

WORCESTER ss:

To either of the constables in the Town of Warren in the County of Worcester:

GREETING: In the name of the Commonwealth of Massachusetts, you are directed to notify the inhabitants of the Town of Warren qualified to vote in elections and in Town affairs to meet at the Quaboag Regional Middle High School, 284 Old West Brookfield Road, Warren at **7:00 PM on Thursday, November 4, 2021**, then and there to act on the following articles:

ARTICLE 1: To see if the Town will vote to transfer from FREE CASH the sum of \$4,000.00 to cover the cost of a matching grant applied for and granted by the Department of Conservation and Recreation to replace wildland firefighting portable water tanks. DCR will reimburse the Town \$2,000.00 or take any action relative thereto.

(Fire Department)

ARTICLE 2: To see if the Town will vote to transfer the sum of \$130,967.00, which accounted for the FY 22 Regional Dispatch Assessment and redirect that sum of money to the radio infrastructure build project or take any action relative thereto.

(Fire Department)

ARTICLE 3: To see if the Town will vote to amend Town of Warren General BY-LAWS Article X Miscellaneous section 12 "Dog Control Law"

I. Responsibility to enforce Massachusetts General Laws: to allow the Animal Control Officer the responsibility for enforcing the bylaw and the provisions of the Massachusetts General Laws concerning dogs in Chapter 140 is vested with the Animal Control Officer, any police officer of the Town, in an emergency, or any other person so appointed by the Board of Selectmen. In addition to any powers or authority granted under Chapter 140 of the General Laws, in order to carry out this responsibility effectively they are empowered to: 1. Consider all complaints that the bylaw or other provisions of the General Laws relating to dogs have been violated; 2. Catch and impound dogs, order dogs muzzled or restrained, dispose of dogs in accordance with applicable provisions of Chapter 140 of the General Laws, issue citations for violations of the bylaw, or take such other actions as shall be necessary to enforce the bylaw and the provisions of the General Laws, including filing a complaint with the selectmen pursuant to Massachusetts General Laws (MGL) Chapter 140, Section 157. 3. Any person may make a written complaint to the selectmen that any dog owned or kept within the Town is a Nuisance Dog or a Dangerous Dog, as those terms are defined in MGL Chapter 140, Section 157. The Board of Selectmen shall investigate or cause to be investigated such complaint, including an examination under oath of the complainant at a public hearing in the municipality to determine whether the dog is a Nuisance Dog or a Dangerous Dog, and shall make such order concerning the restraint or disposal of such dog as provided in MGL c140, Section 157. Violations of such orders shall be subject to the enforcement provisions of MGL Chapter 140, Section 157 and 157A, Section D of this bylaw and/or any other remedy available at law or equity. D. Fines In accordance with MGL Chapter 140, Section 173A, and MGL Chapter 40, Section 21D, can be reviewed in the **Town Clerk's Office and the Town Website Warren, MA | (warren-ma.gov)** or take any action relative thereto.

Attachment A
(Animal Control Officer)

ARTICLE 4: To see if the Town will vote to transfer the sum of \$8,000.00 from the Animal Control Officer Expense Account to Animal Control Officer Payroll or take any action relative thereto.

(Animal Control Officer)

ARTICLE 5: To see if the Town will vote to transfer from FREE CASH the sum of \$675.00 to pay detail invoice #30-100-DV dated 7/01/2020 for a police detail rendered on 6/24/2020 and 6/26/2020 totaling 15 hours. The detail was for tree removal on Southbridge Rd. or take any action relative thereto.

(Forestry Department)

ARTICLE 6: To see if the Town will vote to transfer the sum of \$18,971.10 from Receipts Reserved for Appropriation – Highway Equipment fund to purchase a CONEQTEC Universal AP-300 Cold Planer. This Equipment is to be used on our Wacker Newson WL32 compact loader to aid in the resurfacing and repair of our roadways or to take any action relative thereto.

(Highway)

ARTICLE 7: To see if the Town will vote to transfer from FREE CASH the sum of \$25,000.00 to the Tax Title Revolving Account to be expended in accordance with Massachusetts General Laws, Chapter 60 Section 15B or take any action relative thereto.

(Treasurer)

ARTICLE 8: To see if the Town will vote to transfer from FREE CASH the sum of \$15,000.00 to be transferred to the Police Supplemental Salary line to cover unforeseen salary expenses or take any action relative thereto.

(Police Department)

ARTICLE 9: To see if the Town will vote to transfer from FREE CASH the sum of \$75,000.00 for the move, rental, and associated cost of the Police Department or take any action relative thereto.

(Police Department)

ARTICLE 10: To see if the Town will vote to transfer from FREE CASH the sum of \$1,000.00 for additional training for the Building Department Secretarial Position or take any action relative thereto.

(Building Department)

ARTICLE 11: To see if the Town will vote to transfer from FREE CASH the sum of \$3,000.00 for additional training for the Planning Board Secretarial Position or take any action relative thereto.

(Planning Board)

ARTICLE 12: To see if the Town will vote to transfer from FREE CASH the sum of \$3,000.00 for additional training for the Procurement Officer or take any action relative thereto.

(Accountant)

ARTICLE 13: To see if the Town will vote to transfer from FREE CASH the sum of \$1,936.20 to Assistant Assessor Salary Budget or take any action relative thereto.

(Assessor)

ARTICLE 14: To see if the Town will vote to transfer from FREE CASH the sum of \$3,900.00 to Assessor Mapping Budget to develop address annotation layer on tax maps or take any action relative thereto.

(Assessor)

ARTICLE 15: To see if the Town will vote to transfer from FREE CASH the sum of \$1,600.00 to Assessor Mapping Budget to allow the Town to upload photos and sketches or take any action relative thereto.

(Assessor)

ARTICLE 16: To see if the Town will vote to create a new line item in the budget for the Selectmen Boiler Maintenance Account or take any action relative thereto.

(Selectmen)

ARTICLE 17: To see if the Town will vote to transfer from FREE CASH the sum of \$4,425.00 to the Selectmen Boiler Maintenance Account or take any action relative thereto.

(Selectmen)

ARTICLE 18: To see if the Town will vote to transfer from FREE CASH the sum of \$1,189.25 for a FY 21 new streetlight installation or take any action relative thereto.

(Selectmen)

ARTICLE 19: To see if the Town will vote to amend the Town of Warren General BY-LAWS Article II Town Meeting Section 1 "Date and Quorum for Annual Town Meeting" to state the following: Annual Town Election shall be held on the 1st Tuesday in May of each year. The Annual Town Meeting shall be held on the 2nd Saturday in May of each year or take any action relative thereto.

(Selectmen)

ARTICLE 20: To see if the Town will vote to transfer from FREE CASH the sum of \$200,000.00 to the Capital Planning Stabilization Fund to be expended in accordance with Massachusetts General Laws, Chapter 121B Section 26C or take any action relative thereto.

(Selectmen)

ARTICLE 21: To see if the Town will vote to transfer from FREE CASH the sum of \$50,000.00 to the Shepard Building Expense Account for Shepard Building maintenance and miscellaneous projects or take any action relative thereto.

(Selectmen)

ARTICLE 22: To see if the Town will vote to transfer from FREE CASH the sum of \$10,000 to the Shepard Building Expense Account for leasing large capacity copiers/printers or take any action relative thereto.

(Selectmen)

ARTICLE 23: To see if the Town will vote to transfer from FREE CASH the sum of \$15,000.00 to the Shepard Building Expense Account to install a keyless entry system on the three exterior doors or take any action relative thereto.

(Selectmen)

ARTICLE 24: To see if the Town will vote to transfer from FREE CASH the sum of \$13,000.00 to the Selectmen Expense Account for 4 Digital Radar Speed Signs or take any action relative thereto.

(Selectmen)

ARTICLE 25: To see if the Town will vote to transfer from FREE CASH the sum of \$15,136.97 to the Reserve Account to bring it up to the original amount of \$40,000.00 or take any action relative thereto.

(Selectmen)

ARTICLE 26: To see if the Town will vote to allow the Selectmen to enter a seven (7) year contract with DexTrust for the rental of building #14 to be used as a temporary Police Station for a period up to 7 years to allow for the planning, funding, and development of a public safety complex.

(Selectmen)

ARTICLE 27: To see if the Town will vote to transfer from FREE CASH the sum of \$150,000.00 to offset the tax rate or take any action relative thereto.

(Selectmen)

And you are directed to serve this Warrant by posting attested copies of the Warrant therefore as follows: one copy at the Shepard Municipal Building, one copy at the Warren Post Office, one copy at the West Warren Post Office, and one copy at the Community Board adjacent to the Senior Center fourteen days at least before the time for holding said meeting.

Hereof fail not and make due return of this Warrant with your doings thereon to the Town Clerk.

Given under our hands this 14th day of October in the year Two Thousand Twenty-one.

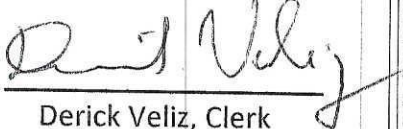
WARREN BOARD OF SELECTMEN



David Dufresne, Chairman



Richard Eichacker, Vice-Chairman



Derick Veliz, Clerk

A True Copy Attest:




Karen Dusty

Administrative Secretary

WORCESTER SS:

Pursuant to the within warrant, I have notified the inhabitants of the Town of Warren, herein described to meet at the time and place and for the purpose within mentioned, by posting up attested copies of the Warrant therefore as follows: one copy at the Shepard Municipal Building, one copy at the Warren Post Office, one copy at the West Warren Post Office, and one copy at the Community Board adjacent to the Senior Center, fourteen days at least before the time for holding said meeting.

On this 20th day of October, 2021 @ 3:30 AM (PM)

CONSTABLE 

Section 21D: Noncriminal disposition of ordinance, by-law, rule or regulation violations

Section 21D. Any city or town may by ordinance or by-law not inconsistent with this section provide for non-criminal disposition of violations of any ordinance or by-law or any rule or regulation of any municipal officer, board or department the violation of which is subject to a specific penalty.

Any such ordinance or by-law shall provide that any person taking cognizance of a violation of a specific ordinance, by-law, rule or regulation which he is empowered to enforce, hereinafter referred to as the enforcing person, as an alternative to initiating criminal proceedings shall, or, if so provided in such ordinance or by-law, may, give to the offender a written notice to appear before the clerk of the district court having jurisdiction thereof at any time during office hours, not later than twenty-one days after the date of such notice. Such notice shall be in triplicate and shall contain the name and address, if known, of the offender, the specific offense charged, and the time and place for his required appearance. Such notice shall be signed by the enforcing person and shall be signed by the offender whenever practicable in acknowledgment that such notice has been received.

The enforcing person shall, if possible, deliver to the offender a copy of said notice at the time and place of the violation. If it is not possible to deliver a copy of said notice to the offender at the time and place of the violation, said copy shall be mailed or delivered by the enforcing person, or by his commanding officer or the head of his department or by any person authorized by such commanding officer, department or head to the offender's last known address, within fifteen days after said violation. Such notice as so mailed shall be deemed a sufficient notice, and a certificate of the person so mailing such notice that it has been mailed in accordance with this section shall be prima facie evidence thereof.

At or before the completion of each tour of duty, or at the beginning of the first subsequent tour of duty, the enforcing person shall give to his commanding officer or department head those copies of each notice of such a violation he has taken cognizance of during such tour which have not already been delivered or mailed by him as aforesaid. Said commanding officer or department head shall retain and safely preserve one copy and shall, at a time not later than the next court day after such delivery or mailing, deliver the other copy to the clerk of the court before which the offender has been notified to appear. The clerk of each district court and of the Boston municipal court shall maintain a separate docket of such notices to appear.

Any person notified to appear before the clerk of a district court as hereinbefore provided may so appear and confess the offense charged, either personally or through a duly authorized agent or by mailing to the city or town clerk of the municipality within which the violation occurred together with the notice such specific sum of money not exceeding three hundred dollars as the town shall fix as penalty for violation of the ordinance, by-law, rule or regulation. Such payment shall if mailed be made only by postal note, money order or check. Upon receipt of such notice, the city or town clerk shall forthwith notify the district court clerk of such payment and the receipt by the district court clerk of such notification shall operate as a final disposition of the case. An appearance under this paragraph shall not be deemed to be a criminal proceeding. No person so notified to appear before the clerk of a district court shall be required to report to any probation officer, and no record of the case shall be entered in any probation records.

If any person so notified to appear desires to contest the violation alleged in the notice to appear and also to avail himself of the procedure established pursuant to this section, he may, within

twenty-one days after the date of the notice, request a hearing in writing. Such hearing shall be held before a district court judge, clerk, or assistant clerk, as the court shall direct, and if the judge, clerk, or assistant clerk shall, after hearing, find that the violation occurred and that it was committed by the person so notified to appear, the person so notified shall be permitted to dispose of the case by paying the specific sum of money fixed as a penalty as aforesaid, or such lesser amount as the judge, clerk or assistant clerk shall order, which payment shall operate as a final disposition of the case. If the judge, clerk, or assistant clerk shall, after hearing, find that violation alleged did not occur or was not committed by the person notified to appear, that finding shall be entered in the docket, which shall operate as a final disposition of the case. Proceedings held pursuant to this paragraph shall not be deemed to be criminal proceedings. No person disposing of a case by payment of such a penalty shall be required to report to any probation office as a result of such violation, nor shall any record of the case be entered in the probation records.

If any person so notified to appear before the clerk of a district court fails to pay the fine provided hereunder within the time specified or, having appeared, does not confess the offense before the clerk or pay the sum of money fixed as a penalty after a hearing and finding as provided in the preceding paragraph, the clerk shall notify the enforcing person who issued the original notice, who shall determine whether to apply for the issuance of a complaint for the violation of the appropriate ordinance, by-law, rule or regulation.

As used in this section the term "district court" shall include, within the limits of their jurisdiction, the municipal court of the city of Boston and the divisions of the housing court department of the trial court.

The notice to appear provided for herein shall be printed in such form as the chief justice of the municipal court of the city of Boston shall prescribe for said court, and as the chief justice of the district courts shall prescribe for the district courts. Said notice may also include notice of violations pursuant to section eleven C of chapter eighty-five, section eighteen A of chapter ninety, section one hundred and seventy-three A of chapter one hundred and forty and section sixteen A of chapter two hundred and seventy. Any fines imposed under the provisions of this section shall enure to the city or town for such use as said city or town may direct. This procedure shall not be used for the enforcement of municipal traffic rules and regulations. Chapter ninety C shall be the exclusive method of enforcement of municipal traffic rules and regulations.

Section 157: Nuisance or dangerous dogs; orders for remedial action; appeal; violation of order

Section 157. (a) Any person may file a complaint in writing to the hearing authority that a dog owned or kept in the city or town is a nuisance dog or a dangerous dog; provided, however, that no dog shall be deemed dangerous: (i) solely based upon growling or barking or solely growling and barking; (ii) based upon the breed of the dog; or (iii) if the dog was reacting to another animal or to a person and the dog's reaction was not grossly disproportionate to any of the following circumstances:

(1) the dog was protecting or defending itself, its offspring, another domestic animal or a person from attack or assault;

(2) the person who was attacked or threatened by the dog was committing a crime upon the person or property of the owner or keeper of the dog;

(3) the person attacked or threatened by the dog was engaged in teasing, tormenting, battering, assaulting, injuring or otherwise provoking the dog; or

(4) at the time of the attack or threat, the person or animal that was attacked or threatened by the dog had breached an enclosure or structure in which the dog was kept apart from the public and such person or animal was not authorized by the owner of the premises to be within such enclosure including, but not limited to, a gated, fenced-in area if the gate was closed, whether locked or unlocked; provided, however, that if a person is under the age of 7, it shall be a rebuttable presumption that such person was not committing a crime, provoking the dog or trespassing.

The hearing authority shall investigate or cause the investigation of the complaint, including an examination under oath of the complainant at a public hearing in the municipality to determine whether the dog is a nuisance dog or a dangerous dog. Based on credible evidence and testimony presented at the public hearing, the hearing authority shall: (i) if the dog is complained of as a nuisance dog, either dismiss the complaint or deem the dog a nuisance dog; or (ii) if the dog is complained of as a dangerous dog: (A) dismiss the complaint; (B) deem the dog a nuisance dog; or (C) deem the dog a dangerous dog.

(b) If the hearing authority deems a dog a nuisance dog, the hearing authority may further order that the owner or keeper of the dog take remedial action to ameliorate the cause of the nuisance behavior.

(c) If the hearing authority deems a dog a dangerous dog, the hearing authority shall order 1 or more of the following:

(i) that the dog be humanely restrained; provided, however, that no order shall provide that a dog deemed dangerous be chained, tethered or otherwise tied to an inanimate object including, but not limited to, a tree, post or building;

(ii) that the dog be confined to the premises of the keeper of the dog; provided, however, that "confined" shall mean securely confined indoors or confined outdoors in a securely enclosed and locked pen or dog run area upon the premises of the owner or keeper; provided further, that such pen or dog run shall have a secure roof and, if such enclosure has no floor secured to the sides thereof, the sides shall be embedded into the ground for not less than 2 feet; and provided further, that within the confines of such pen or dog run, a dog house or proper shelter from the elements shall be provided to protect the dog;

(iii) that when removed from the premises of the owner or the premises of the person keeping the dog, the dog shall be securely and humanely muzzled and restrained with a chain or other tethering device having a minimum tensile strength of 300 pounds and not exceeding 3 feet in length;

(iv) that the owner or keeper of the dog provide proof of insurance in an amount not less than \$100,000 insuring the owner or keeper against any claim, loss, damage or injury to persons, domestic animals or property resulting from the acts, whether intentional or unintentional, of the dog or proof that reasonable efforts were made to obtain such insurance if a policy has not been issued; provided, however, that if a policy of insurance has been issued, the owner or keeper shall produce such policy upon request of the hearing authority or a justice of the district court; and provided further, that if a policy has not been issued the owner or keeper shall produce proof of efforts to obtain such insurance;

(v) that the owner or keeper of the dog provide to the licensing authority or animal control officer or other entity identified in the order, information by which a dog may be identified, throughout its lifetime including, but not limited to, photographs, videos, veterinary examination, tattooing or microchip implantations or a combination of any such methods of identification;

(vi) that unless an owner or keeper of the dog provides evidence that a veterinarian is of the opinion the dog is unfit for alterations because of a medical condition, the owner or keeper of the dog shall cause the dog to be altered so that the dog shall not be reproductively intact; or

(vii) that the dog be humanely euthanized.

No order shall be issued directing that a dog deemed dangerous shall be removed from the town or city in which the owner of the dog resides. No city or town shall regulate dogs in a manner that is specific to breed.

(d) Within 10 days after an order issued under subsections (a) to (c), inclusive, the owner or keeper of a dog may bring a petition in the district court within the judicial district in which the order relative to the dog was issued or where the dog is owned or kept, addressed to the justice of the court, praying that the order be reviewed by the court or a magistrate of the court. After notice to all parties, the magistrate shall, under section 62C of chapter 221, review the order of the hearing authority, hear the witnesses and affirm the order unless it shall appear that it was made without proper cause or in bad faith, in which case the order shall be reversed. A party shall have the right to request a de novo hearing on the complaint before a justice of the court.

(e)(1) Pending an appeal by an owner or keeper under subsection (d), a hearing authority may file a petition in the district court to request an order of impoundment at a facility the municipality uses to shelter animals for a dog complained of as being a dangerous dog. A municipality shall not incur liability for failure to request impoundment of a dog under this subsection.

(2) A justice of a district court, upon probable cause to believe that a dog is a dangerous dog or that a dog is being kept in violation of this section or in violation of an order issued under this section by a hearing authority or a court, may issue an order: (i) of restraint; (ii) of confinement of the dog as considered necessary for the safety of other animals and the public; provided, however, that if an order of confinement is issued, the person to whom the order is issued shall confine the dog in accordance with clause (ii) of subsection (c); or (iii) of impoundment in a humane place of detention that the municipality uses to shelter animals; or (iv) any other action as the court deems necessary to protect other animals and the public from the dog.

(f) A justice of the district court shall hear, de novo, an appeal filed under subsection (d). Based upon credible evidence and testimony presented at trial, the court shall, whether the dog was initially complained of as a nuisance dog or as a dangerous dog: (i) dismiss the complaint; (ii)

deem the dog a nuisance dog; or (iii) deem the dog a dangerous dog. The decision of the court shall be final and conclusive upon the parties.

(g) If a court affirms an order of euthanasia, the owner or keeper of the dog shall reimburse the city or town for all reasonable costs incurred for the housing and care of such dog during its impoundment and throughout the appeals process, if any. Unpaid costs shall be recovered by the municipality in which the owner or keeper of the dog resides on behalf of the hearing authority by any of the following methods: (i) a lien on any property owned by the owner or keeper of the dog; (ii) an additional, earmarked charge to appear on the vehicle excise of the owner or keeper of the dog; or (iii) a direct bill sent to the owner or keeper of the dog.

All funds recovered by a municipality under this subsection shall be transferred to the organization or entity charged with the responsibility of handling dog complaints and impoundment. If the organization or entity falls under the management or direction of the municipality, costs recovered shall be distributed at the discretion of the municipality.

If the court overturns an order of euthanasia, the city or town shall pay all reasonable costs incurred for the housing and care of the dog during any period of impoundment.

(h) If an owner or keeper of a dog is found in violation of an order issued under this section, the dog shall be subject to seizure and impoundment by a law enforcement or animal control officer. If the keeper of the dog is in violation, all reasonable effort shall be made by the seizing authority to notify the owner of the dog of such seizure. Upon receipt of such notice, the owner may file a petition with the hearing authority, within 7 days, for the return of the dog to the owner. The owner or keeper shall be ordered to immediately surrender to the licensing authority the license and tags in the person's possession, if any, and the owner or keeper shall be prohibited from licensing a dog within the commonwealth for 5 years. A hearing authority that determines that a dog is dangerous or a nuisance or that a dog owner or keeper has violated an order issued under this section shall report such violations to the issuing licensing authority within 30 days.

(i) Orders issued by a hearing authority shall be valid throughout the commonwealth unless overturned under subsection (d) or (f).

Section 157A: Non-compliance of dog owner or keeper with order; transferring ownership or selling of dangerous dog

Section 157A. (a) An owner or keeper of a dog who fails to comply with an order of a hearing authority or district court shall be punished, for a first offense, by a fine of not more than \$500 or imprisonment for not more than 60 days in a jail or house of correction, or both, and for a second or subsequent offense by a fine of not more than \$1,000 or imprisonment for not more than 90 days in a jail or house of correction.

(b) No person over the age of 17 who has actual knowledge that a dog has been deemed dangerous under section 157 shall permit a child under the age of 17 to own, possess or have the care or custody of such dog.

(c) No person shall transfer ownership or possession of a dog which such person knows, or reasonably should have known, has been deemed dangerous under section 157 or offer such dangerous dog for sale or breed without informing the recipient of the dog of the finding of dangerousness.

Section 173A: Violation of dog control laws; non-criminal disposition

Section 173A. Whenever a complaint is sought in a district court for a violation of an ordinance or by-law, made under the provisions of section one hundred and seventy-three, the clerk shall send a written notice to the person complained against stating that such a complaint has been sought and will issue unless such person appears before such clerk and confesses the offense either personally or through an agent duly authorized in writing, or by mailing to such clerk, with the notice the fine provided herein. The fine for the first offense committed by a person shall be \$50. The fine for a second offense shall be \$100. The fine for a third offense shall be \$300. For a fourth or subsequent offense, the fine shall be \$500 and the municipality may order the animal spayed or neutered. Payment shall be made only by money order or check. Notwithstanding the foregoing procedure and schedule of fines, but subject to all other provisions of this section, a city or town may, by ordinance or by-law, provide for an alternative procedure and a different schedule of fines; provided, however, that the fines shall not be lower than those stated in this section. Notwithstanding this section, a municipality may seek a remedy under section 157 for a nuisance dog.

Proceedings under this section shall not be deemed criminal; and no person notified to appear before the clerk of a district court as provided herein shall be required to report to any probation officer, and no record of the case shall be entered in the probation records.

If a person notified to appear, as hereinbefore provided, fails to appear or pay the fine within twenty-one days of the sending of the notice, or having appeared, does not desire to avail himself of the procedure established by this section, the clerk shall issue the complaint and the procedure established for criminal cases shall be followed.

If any person fails to appear in accordance with the summons issued upon such complaint, the clerk of the court shall send such person, by registered mail, return receipt requested, a notice that the complaint is pending and that, if the person fails to appear within twenty-one days from the sending of such notice, a warrant for his arrest will be issued.